

Howard County Department Of Planning And Zoning

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov FAX 410-313-3467 TDD 410-313-2323

TECHNICAL STAFF REPORT THE ESTATES AT PATAPSCO PARK

Planning Board Hearing of January 16, 2014

Case No./Petitioner:

PB Case No. 403 (SP-13-012)/The Estates at Patapsco Park, Lots 1 to 195 and O.S.

Lots 196 and 197

Patapsco Associates, LP/Owner; c/o Simon Rosenberg

Subject:

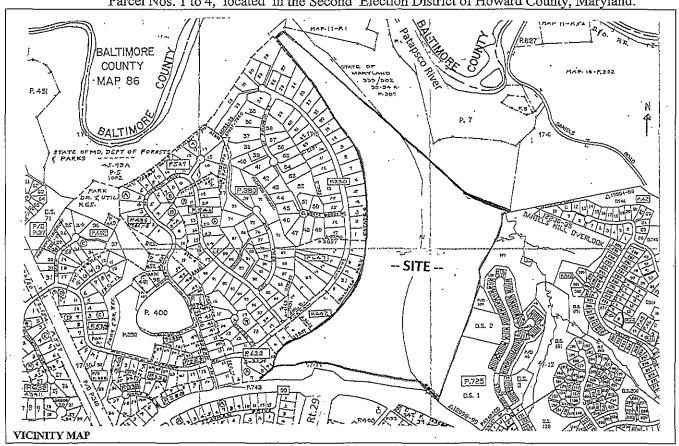
For Planning Board approval of a Preliminary Equivalent Sketch Plan (SP-13-012) for 195 single family detached building lots and two open space lots on property zoned R-20 (Residential-Single) and R-ED (Residential-Environmental Development), consisting of 122.79 acres of land. This subdivision plan is being processed for Planning Board approval utilizing Section 108.F.3 of the Howard County Zoning Regulations allowing land within the "R-20" Zoning District to be developed pursuant to Section 107.E. of the "R-ED" Zoning Regulations.

DPZ Recommendation:

The Department of Planning and Zoning recommends approval of the request for PB Case No. 403 subject to compliance with the Subdivision Review Committee (SRC) comments and any conditions imposed by the Planning Board.

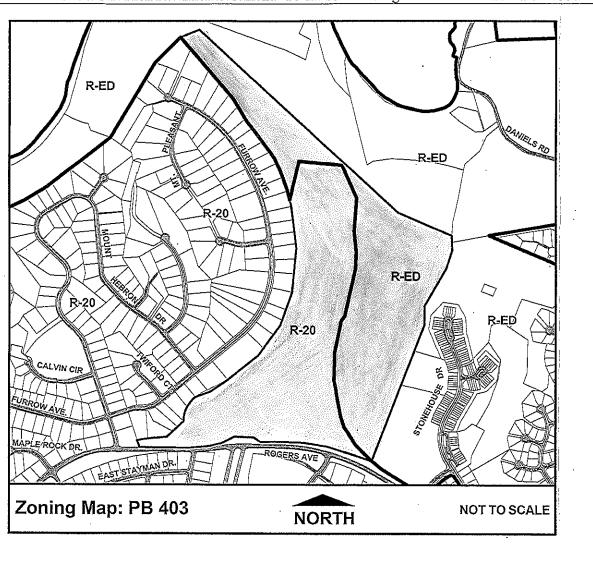
Location:

The property is bounding on the north side of Rogers Avenue, east of Mt. Hebron Drive and west of Patapsco Valley Drive, situated on Tax Map 17, Blocks 5, 6, 11 & 12, and identified as Parcel Nos. 1 to 4, located in the Second Election District of Howard County, Maryland.



Page 2 PB Case No. 403

<u>Vicinal Properties:</u> Properties to the west are developed into single family detached lots of the Patapsco Estates Subdivision and are zoned R-20. The property to the north is located within the Patapsco State Park and is zoned R-ED. Adjoining Open Space Lots 2 and 129 to the east are located within the Daniels Mills Overlook Subdivision and are zoned R-ED. Hollifield Station Elementary School is located on Open Space Lot 2 and Open Space Lot 129 has been dedicated to the Department of Recreation and Parks and contains a Forest Conservation Retention Easement. To the south is Rogers Avenue and MD Route 99.



I. GENERAL COMMENTS:

Zoning Map

A. <u>Legal Notices</u>: The subject property was properly posted with one official Planning Board poster, verified by an on-site inspection by staff of the Department of Planning and Zoning and Certification of legal advertisements are on file with this case verifying that this case was advertised in two local newspapers a minimum of 30 days prior to the hearing date.

Page 3 PB Case No. 403

B. <u>Regulatory Compliance</u>: This project is subject to compliance with the amended Fifth Edition of the Subdivision and Land Development Regulations, the Zoning Regulations, the Design Manual, The Adequate Public Facilities Ordinance, the Forest Conservation Manual and the Landscape Manual.

C. <u>General Plan</u>: Development of this site is consistent with the 2030 Howard County General Plan for "Established Communities" Land Use Designation.

D. Site History:

ECP-13-029, Approved on 3/15/13

SP-13-012, Determined Technically Complete by the Subdivision Review Committee on 9/16/13.

WP-13-165, for a waiver to allow removal of 35 specimen trees and for disturbance to the 100 Year Floodplain, Approved 9/16/13

E. Site and Density Information:

Total Gross Site Area	122.794 Ac
Area of 25% or Greater Steep Slope	es 16.070 Ac
Area of 100 Yr. Flood Plain	<u>8.430</u> Ac
	Net Tract Acreage 98.29 Ac
Maximum Density Permitted 2 un	its per net acre (2 X 98.2 Ac) = 196 Un
Plus 1bonus density unit transferred	1 per Sec.108.F.3 of Zoning Regs.= 1 Uni
	Total Units Permitted = 197 Uni
	Total Units Proposed = 195 Uni
Area of Open Space Required (50%	6 X 122.79) 61.39 Ac
(includes 55.65 Ac. SHA FC Easen	
Area of Recreational Open Space R	•
Area of Recreational Open Space P	_ `
A	
Area of Buildable Lots	35.25 Ac
Area of Public Road ROW	9.66 Ac
	ance 54.22 Ac

F. Site Analysis:

Access and Structures – One entranceway from Rogers Avenue will provide access to this subdivision. A public road will be constructed from Rogers Avenue across an out-parcel owned by the State Highway Administration and will end in a northern cul-de-sac. All other interior connecting roadways will access onto this main public road and terminate in cul-de-sacs. The roadway network will consist of 50' wide public road rights-of-way and have sidewalks constructed on one side.

There are no historic structures, cemeteries or grave sites located on the subject site.

Water and Sewer Service – This site is located within the Metropolitan District and will be served by public water and sewer facilities.

Page 4 PB Case No. 403

Environmental Characteristics — The property is entirely forested and contains 100 Year Flood Plains, steep slopes, perennial streams, wetlands and their buffers along the western and eastern portions of the site. Interior roadways and proposed development will be centralized so as to have no impact to the environmental features, however, grading will require removal of 35 specimen trees, but 111 specimen trees will be preserved. The developer has received approval for removal of the specimen trees under WP-13-165 and for disturbance in the eastern and western perennial streams, wetlands, their buffers, flood plain and steep slopes for construction of pathway systems, as well as, for both eastern on-site and off-site construction of public water connections to the adjoining Daniels Mill Overlook water lines and for public sewer connections to the Daniels Mill Pump Station. The connection to the Daniels Mill Pump Station will also require removal of existing forest located within a recorded easement on the adjoining Daniels Mill Overlook Open Space Lot 129. This will require recordation of a revised Forest Conservation Plat of Easement and the developer shall either pay a fee-in-lieu or fulfill abandonment obligations at a Forest Conservation Bank location. The off-site obligation has not yet been determined and will be required at final plan stage.

Forest Conservation obligations will be fulfilled by 13.54 acres of on-site retention, 1.97 acres of reforestation and payment of a fee-in-lieu for the remaining 8.98 acres of required reforestation to the Forest Conservation Fund. Approximately 55.65 acres of existing forest located on the western portion of this site has been placed into a State Highway Administration Forest Conservation Easement Bank, but is not utilized towards obligation for the Estates at Patapsco Park Subdivision.

Topography – The property is fairly rectangular in shape, with a portion that extends northward into a narrow strip adjoining the Patapsco State Park. The topography of the land slopes downward from the southwest to the northeast towards the Patapsco River Valley. Approximately 16.07 acres of steep slopes outside of the 100 Year Flood Plain exists on the property and will be located on Open Space Lots 196 and 197. No major grading to protected slopes of 25% or greater with a contiguous area of 20,000 sq. ft. is proposed except for installation of a pathway system through O.S. Lots 196 and 197 to provide pedestrian connection to the State Park land and for water and sewer installation through the adjoining eastern Daniels Mill Overlook Subdivision. Major disturbance for construction of the development will occur on moderately sloping land located on the central portion of the site which is permitted by the Regulations.

Wetlands, Streams and 100 Year Flood Plain – The site consists of separate eastern and western areas of floodplain totaling 8.43 acres and which contains perennial streams, wetlands, their buffers and steep slopes. Wetlands are confined in close proximity to flood plain boundaries and along stream bank buffers. Streams are protected with 75' stream bank buffers and wetlands with 25' wetland buffers. The plan does not propose any disturbance to the 100 Year Floodplains, wetlands, streams, their buffers or steep slopes except on a small portion of open space to the east and on open space to the west for construction of pathways which connect to the State Park, as well as, for grading on and off-site to install public water and sewer lines.

Historic Landmarks: The subject property contains no historic structures, cemeteries or grave sites and is not located in an Historic District.

Scenic Roads: This property is not located on any scenic roads.

Existing Site Conditions: The property consists of four parcels containing 122.794 acres of land zoned R-20 (Residential-Single) to the west and R-ED (Residential-Environmental Development) to the east. These parcels were previously owned by the State Highway Administration (SHA) as road right-of-way for the northern extension of MD Route 29. The project to construct the extension was abandoned and subsequently

Page 5 PB Case No. 403

the SHA conveyed the parcels back to the previous owner (Patapsco Associates, LP). During the time that the State owned the parcels, 55.65 acres of existing forest in the western portion of the property was placed into Forest Conservation Easement to fulfill various SHA forest conservation obligations. This easement area, as well as, an additional 8.31 acres of abutting land will be placed entirely into an open space lot dedicated to the Department of Recreation and Parks and will partially adjoin the Patapsco State Park. The 8.31 acres of open space land will also contain additional forest conservation retention/planting easement (5.15 Acres) to meet a portion of on-site forest conservation obligation for this subdivision. A waiver petition, WP-13-165, was approved on September 16, 2013, for the removal of 35 of 146 specimen trees. The specimen trees to be removed are mostly located within the center of the site where house and public road construction will occur. This waiver also approved disturbance in the environmental features for construction of the pathway systems and for on and off-site disturbance for installation of public water and sewer lines to the east.

This site adjoins a southern out-parcel (situated between Rogers Avenue and the proposed development) which is owned by the SHA, zoned R-20 (Residential). The SHA has granted the developer an access permit for construction of a public road across this parcel to Rogers Avenue allowing ingress/egress to the proposed subdivision and provides public road frontage to the existing parcels.

There are no existing structures or cemeteries on this site. However, an historic home identified as HO-96/ Elemonte, is located to the west, accessed from Furrow Avenue. The eastern side yard of the historic home will overlook an adjoining open space lot containing the SHA Forest Conservation Easement and will be completely buffered from this new development. This site does not have frontage on any Scenic Roads.

Forest Conservation: Forest Conservation obligations will be fulfilled by 13.54 acres of retention, 1.96 acres of reforestation and a fee-in-lieu for 8.98 acres of reforestation. In addition, the developer shall either pay a fee-in-lieu or provide obligations off-site for disturbance of the established Forest Conservation Retention Easement located on adjoining Open Space Lot 129 of the Daniels Mill Overlook Subdivision. Disturbance in this area is necessary for public sewer connections to the eastern Daniels Mill Overlook Pump Station. The obligation for this disturbance has not yet been determined but will be fulfilled prior to plat recordation of this subdivision. Recordation of a Forest Conservation Plat of easement will be necessary to show the revised easement area on Open Space Lots 129. The area of SHA forest conservation easement is not utilized in fulfillment of forest conservation obligation for the proposed development.

G. PROPOSED DEVELOPMENT PLAN:

Subdivision Plan – The development plan consists of 195 single family detached residential lots and two open space lots. Residential lot sizes will range from 6,600 sq.ft. to 13,000 sq.ft., and almost half will have rear yards that abut open space areas. Four use-in-common driveway access easements from cul-de-sac streets will be created to access 19 pipestem lots. Sidewalks will be provided on at least one side of all interior public roads. The sidewalks will be constructed across the SHA right-of-way parcel to Rogers Avenue and extend to the east towards the Hollifield Station Daniels Mill Elementary School and to the west towards the US Route 29 intersection. A pathway system will be constructed throughout Open Space Lot 196 to the northwest and along the east side of Open Space Lot 197 to connect to pathways within the Patapsco State Park. Storm water management will be provided on-site for this subdivision with bioretention facilities.

Neighborhood Preservation Density Exchange for Infill Development – The R-20 portion of the subject site is being developed pursuant to Section 108.F.3 of the Zoning Regulations which permits land in the R-20 Zoning District to be subdivided in accordance with the RED Zoning Regulations if the property is:

- 1. Subdivided for single family detached residential lots, and
- 2. The combined total lot area is more than 100,000 sq.ft. (2.3 acres), and
- 3. The development is subject to the R-ED Zoning Regulations including the requirement for Planning Board review and structures are required to be setback 75 feet from project boundaries adjoining single family detached developments.

In addition, it has been determined that since the developer is utilizing the R-ED lot sizes on the R-20 Zoned land, one density unit will be required in accordance with Section 108.F.2 of the Zoning Regulations. In accordance with this section, R-20 land may be developed as a receiving parcel for additional density in association with Density Exchange for a Neighborhood Preservation Easement sending parcel at a bonus of up to 10% more dwelling units than would be achievable based on net density using the R-ED Zoning Regulations. This subdivision is proposed to receive only one density exchange unit from a sending parcel which has not been yet been identified but must be exchanged and recorded under the final plan submission for this project. This subdivision proposal complies with all of the above Zoning Regulation requirements for use of the R-ED Zoning Regulations and to receive Neighborhood Preservation Density Exchange units.

Landscaping – This project will comply with the requirements of the Landscape Manual by providing perimeter and trash pad landscaping and public street tree plantings. Perimeter landscaping requirements will be primarily addressed through the retention of existing trees located on open space lots and by proposed plantings.

Adequate Public Facilities - This subdivision passed the test of the Adequate Public Facilities Ordinance (APFO) for vicinal road intersection adequacy. This project is located in the North School Region, the Hollifield Station Elementary School District and the Patapsco Middle School District. This project is in the Established Communities Allocation Area which currently does not have all 195 allocations available. Therefore, this project will be required to be phased and will be re-assessed for allocation availability at the time of signature processing for the Decision of this case.

- II. <u>Planning Board Criteria</u>: In accordance with Section 107.E.6. of the Zoning Regulations, the following criteria must be considered by the Planning Board when evaluating this Preliminary Equivalent Sketch Plan.
 - 1. The proposed lay-out of lots and open space effectively protects environmental and historic resources.

This development plan accomplishes protection of the environmental resources on site by employing the following design techniques:

- By clustering most of the residential lots on the moderately sloped open interior ridge area which is the portion of the site most easily developed;
- By designing the lots to be as near in size to the minimum lot size of 6,000 sq.ft. as practicable:
- By meeting forest conservation obligation on open space lots as much as possible.
- By designing storm water management facilities in locations and configurations on lots which preserves a larger portion of open space area and minimizes existing tree removal.

In employing these techniques, the limit of disturbance on the property is reduced to the maximum extent practicable.

Page 7 PB Case No. 403

The credited open space proposed for this site is 77.81 acres which is 63% of the gross site area which exceeds the minimum 50% required in the R-ED District. In addition to protection of the forest and environmental features, the open space areas will buffer the development from adjacent residential properties to the west and east and will serve to provide a continuous habitat corridor for wildlife since it will adjoin the Patapsco State Park.

2. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading:

Grading is limited to the amount necessary to create lots for 195 new homes and the infrastructure required to support the residential uses. The major impact of development on this site is the proposed clearing central to the property. This will require the removal of 35 specimen trees which is the minimum necessary to be removed. The developer has considered all lot and road design layout options to avoid impacts to environmental features and has adjusted grading where possible.

The total disturbed area associated with this proposal is approximately 49.76 acres on-site (40%) and 4.46 acres off-site for water and sewer connections through the eastern open space areas of the Daniels Mill Overlook Subdivision. Proposed forest clearing on site will be 47.38 acres occurring throughout the central portion of the site. Otherwise, the forest will be protected by placement into Forest Conservation Easements located on Open Space Lots 196 and 197 which are to be dedicated to Howard County, MD (Recreation and Parks). The developer shall provide on-site 1.97 acres of reforestation, however insufficient planting areas exist for a remainder of 8.98 acres of required plantings, and so the developer will provide a fee-in-lieu in the amount of \$293,377.00 (391,168.8 sq.ft. X .75 cents) to the Forest Conservation Fund. The Department of Planning and Zoning has determined that providing a fee-in-lieu rather than off-site plantings will serve to better benefit projects in the eastern sector of Howard County.

3. Setbacks, landscaped buffers or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts:

Land developed pursuant to Section 108.F.2 of the Zoning Regulations is subject to the R-ED district regulations, including the requirement for Planning Board review, except that structures are required to be setback 75' from project boundaries adjoining single-family detached developments. Single-family detached development exists to the west, however, the lots are buffered by the 55.65 acres of SHA Forest Conservation Easement placed on Open Space Lot 196 which will include an additional 5.15 acres of Forest Conservation Easement to fulfill obligation for this subdivision. Accordingly the 75' project boundary setback is not required in the R-20 Zoned portion of land. A 30' project setback for land in the R-ED Zoned portion will be required. The Preliminary Equivalent Sketch Plan, SP-13-012, shows that all structures will comply with this setback requirement.

This property is not located in any historic district nor fronts on any scenic road.

The Howard County Landscape Manual requires a Type A Landscape Buffer (1 shade/60') along the boundary and adjacent properties. Since the interior of the site where development will occur is entirely surrounded by open space containing Forest Conservation Easements to the east and west and by the Patapsco State Park to the north, perimeter landscaping is sufficiently substituted by existing forest. The developer will provide interior street side and trash pad screening and street trees along all public right-of-ways as applicable. Storm water management will be met by installation of rain gardens on each individual lot which shall be landscaped with appropriate plantings in accordance with the Landscape Manual.

Subdivision Review Committee Action:

By letter dated 9/16/2013, the developer was notified that the plan was technically complete subject to resolution of issues of the Division of Land Development and the Development Engineering Division. Those issues have now been resolved.

Recommendation:

The Department of Planning and Zoning recommends approval of this project as shown on the Preliminary Equivalent Sketch Plan, SP-13-012/Estates at Patapsco Park, subject to any conditions as may be imposed by the Planning Board.

Marsha McLaughlin Director

Department of Planning and Zoning

:btb

THIS FILE IS AVAILABLE FOR PUBLIC REVIEW AT THE PUBLIC SERVICE COUNTER OF THE DEPARTMENT OF PLANNING AND ZONING DURING NORMAL WORKING HOURS

